

REMARKS

This application has been reviewed in light of the Final Office Action mailed June 29, 2005. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1-23 are pending in the application with Claims 1, 7, 13 and 18-23 being in independent form. By the present amendment, Claims 1, 7, 13 and 18-23 have been amended and Claims 2, 8 and 14 have been canceled. No new subject matter has been introduced by way of the present amendment.

Initially, Applicant thanks the Examiner for indicating that Claims 2, 8 and 14 contain allowable subject matter. Specifically, the Examiner asserts that prior art of record fails to show or fairly suggest accessing an historical search database that indicates a number of times that each attribute appears in at least one prior search, as recited in Applicant's Claims 2, 8 and 14.

I. Objection to Claims 2, 8 and 14

Claims 2, 8 and 14 have been objected to for depending from a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Claims 2, 8 and 14 have been canceled and the limitations recited therein have been incorporated by amendment into independent Claims 1, 7, 13 and 18-23.

II. Rejection of Claims 1, 3-5, 7, 9-11, 13, 15, 16 and 18-23 Under 35 U.S.C. §103(a)

Claims 1, 3-5, 7, 9-11, 13, 15, 16 and 18-23 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentably obvious over U.S. Patent No. 6,865,746 issued to Herrington et al. (hereinafter referred to as "Herrington") in view of U.S. Patent No. 6,742,184 issued to Finseth et al. (hereinafter referred to as "Finseth") and U.S. Patent No. 6,614,987 issued to Ismail et al. (hereinafter referred to as "Ismail").

Claims 1, 7, 13 and 18-23 have been amended to include the limitations of Claims 2, 8 and 14, which the Examiner has asserted are patentably distinct over the prior art of record. Thus, amended Claim 1 recites: "A method for searching a list of available programs from an electronic program guide, comprising the steps of: generating a query in response to a command by a user, wherein the user command comprises a request to generate program recommendations from the available programs; said query specifying at least one attribute-value pair for each of a plurality of program attributes, wherein at least one of said attribute-value pairs is selected based on at least one prior search that has been executed by the user to obtain program recommendations; said query generation being performed automatically in response to said user command by accessing a historical search database that indicates a number of times that each attribute-value pair appears in the at least one prior search; and comparing attributes of said available programs to said attribute-value pairs specified by said query to identify programs from the available programs satisfying said query." (Emphasis added).

Herrington discloses an electronic program guide with related program search features. The Herrington disclosed method provides a user with an opportunity to indicate an interest in a given program presented as an electronic program guide. Additionally, once a user has indicated interest, the user is provided an opportunity to request a search be performed by the system for programs related to the program of interest. However, as the Examiner has rightly asserted, Herrington fails to disclose or suggest accessing a historical search database that indicates a number of times that each attribute-value pair appears in at least one prior search, as recited by Claim 1 and similarly by Claims 7, 13 and 18-23.

While both Finseth and Ismail are directed towards providing electronic program guides. Neither Finseth nor Ismail, taken alone or in any proper combination, overcomes the above-

identified deficiency in Herrington. Specifically, Finseth and Ismail do not disclose or suggest accessing a historical search database that indicates a number of times that each attribute-value pair appears in at least one prior search.

Therefore, independent Claims 1, 7, 13 and 18-23 and, by virtue of their dependencies from these independent claims, Claims 3-5, 9-11, 15 and 16 are believed patentably distinct and allowable over the cited prior art references. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 1, 3-5, 7, 9-11, 13, 15, 16 and 18-23 under 35 U.S.C. §103(a) over Herrington in view of Finseth and Ismail.

III. Rejection of Claims 6, 12 and 17 Under 35 U.S.C. §103(a)

Claims 6, 12 and 17 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentably obvious over Herrington in view of Finseth and Ismail and further in view of U.S. Patent No. 6,006,225 issued to Bowman et al. (hereinafter referred to as "Bowman").

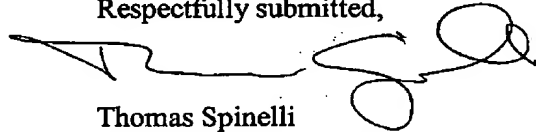
Claims 6, 12 and 17 depend from independent Claims 1, 7 and 13 and thus are limited by the limitations recited by these independent claims. Therefore, as Bowman fails to overcome the deficiencies in Herrington, Finseth and Ismail taken alone or in any proper combination, for at least the above-identified reason, Claims 6, 12 and 17 are believed patentably distinct and allowable over the prior art of record. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 6, 12 and 17 under 35 U.S.C. §103(a) over Herrington in view of Finseth and Ismail and further in view of Bowman.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1, 3-7, 9-13 and 15-23 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



Thomas Spinelli
Registration No. 39,533

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza - Ste. 300
Garden City, New York 11530
(516) 742-4343

PJE:DAT:jam